

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1170

Introduced by Assembly Member Donnelly

February 22, 2013

An act to amend ~~Section 2226~~ Sections 2224, 2226, and 2227 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1170, as amended, Donnelly. Voters: registration cancellation.

Existing law requires the county elections official to conduct a preelection residence confirmation procedure by mailing a specified nonforwardable postcard to each registered voter of the county by the 90th day immediately prior to the direct primary election. In lieu of mailing a residency confirmation postcard to each registered voter in the county, existing law authorizes the county elections official to contract with the United States Postal Service, a consumer credit reporting agency, or its licensees to obtain change-of-address data. Based on the data received, existing law requires the county elections official to send an address verification notice to enable a voter to verify or correct address information.

Existing law authorizes a county elections official to cancel the voter registration of any voter whose name has been placed on the inactive file of registered voters for failure to respond to an address verification mailing based upon change-of-address data received from the United States Postal Service or its licensees and who does not offer to vote or vote at any election between the date of a specified address confirmation mailing and 2 federal general elections after the date of that mailing. With regard to an address verification notice based upon data received

from a consumer credit reporting agency or its licensees, existing law prohibits the official from placing the voter's name on the inactive file of registered voters or canceling the voter registration if the voter does not respond to the verification notice and does not otherwise verify that he or she has moved to a new residence address.

This bill would instead require a county elections official to cancel the voter registration of a voter who fails to respond to an address verification mailing sent in response to change-of-address data received from the United States Postal Service, a consumer credit reporting agency, or its licensees and who does not offer to vote or vote at any election between the date of the mailing and two federal general elections after the date of that mailing. The bill would additionally modify the form of a specified residency confirmation postcard to include information regarding the circumstances in which a voter's registration will be canceled. By imposing new duties on county elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires the county elections official to conduct a preelection residence confirmation procedure by mailing a specified nonforwardable postcard to each registered voter of the county by the 90th day immediately prior to the direct primary election or to contract with a consumer credit reporting agency or its licensees to obtain change-of-address data. Existing law authorizes a county elections official to cancel the voter registration of a voter whose name has been placed on an inactive file of registered voters and who does not offer to vote or vote at any election between the date of a specified address confirmation mailing and 2 federal general elections after the date of that mailing.~~

~~This bill would instead require a county elections official to cancel the voter registration of a voter whose name is on the inactive file and does not offer to vote or vote during the above-described period.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2224 of the Elections Code is amended*
2 *to read:*

3 2224. (a) If a voter has not voted in an election within the
4 preceding four years, and his or her residence address, name, or
5 party affiliation has not been updated during that time, the county
6 elections official may send an alternate residency confirmation
7 postcard. The use of this postcard may be sent subsequent to NCOA
8 or sample ballot returns, but shall not be used in the residency
9 confirmation process conducted under Section 2220. The postcard
10 shall be forwardable, including a postage-paid and preaddressed
11 return form to enable the voter to verify or correct the address
12 information, and shall be in substantially the following form:

13 *“If the person named on the postcard is not at this address,*
14 *PLEASE help keep the voter rolls current and save taxpayer dollars*
15 *by returning this postcard to your mail carrier.”*

16 *“IMPORTANT NOTICE”*

17 *“According to our records you have not voted in any election*
18 *during the past four years, which may indicate that you no longer*
19 *reside in ____ County. If you continue to reside in this county you*
20 *must confirm your residency address in order to remain on the*
21 *active voter list and receive election materials in the mail.”*

22 *“If confirmation has not been received within 15 days, you may*
23 *be required to provide proof of your residence address in order to*
24 *vote at future elections and, if you do not appear or offer to vote*
25 *at any election in the period between the date of this notice and*
26 *the second federal general election after the date of this notice,*
27 *your voter registration will be canceled and you will have to*
28 *reregister in order to vote. If you no longer live in ____ County,*
29 *you must reregister at your new residence address in order to vote*
30 *in the next election. California residents may obtain a mail*
31 *registration form by calling the county elections office of the*
32 *Secretary of State’s Office.”*

33 (b) The use of a toll-free number to confirm the old residence
34 address is optional. Any change to a voter’s address shall be
35 received in writing.

36 (c) A county using the alternate residency confirmation
37 procedure shall notify all voters of the procedure in the sample
38 ballot pamphlet or in a separate mailing.

1 ~~SECTION 1.~~2 *SEC. 2.* Section 2226 of the Elections Code is amended to read:3 2226. (a) Based on change-of-address information received
4 pursuant to Sections 2220 to 2225, inclusive, or change-of-address
5 information provided directly by the voter, the county elections
6 official shall take the following actions as appropriate:7 (1) If the information indicates the voter has moved to a new
8 address within the same county, the county elections official shall
9 update and correct the voter's registration.10 (2) If the information indicates the voter has moved to a new
11 address in another county, if the mailings have been returned as
12 undeliverable, or if the voter fails to confirm his or her address as
13 required by Section 2224, the county elections official ~~may~~ *shall*
14 place the voter's name on the inactive file of registered voters who
15 do not receive election materials and are not included in
16 calculations to determine the number of signatures required for
17 qualification of candidates and measures, precinct size, or other
18 election administration-related processes.19 (3) If the voter verifies in writing that he or she has moved to
20 a residence address in another county, the county elections official
21 shall cancel the voter registration in the county from which the
22 voter has moved.23 (b) The voter registration of any voter whose name has been
24 placed on the inactive file of registered voters for failure to respond
25 to an address verification mailing required by Section 2225, and
26 who does not offer to vote or vote at any election between the date
27 of the mailing and two federal general elections after the date of
28 that mailing, shall be canceled.29 (c) Any voter whose name has been placed on the inactive file
30 of registered voters and offers to vote at any election between the
31 date of the verification notice, and two federal general elections
32 after the date of notice, or who notifies the elections official of a
33 continued residency, shall be removed from the inactive file and
34 placed on the active voter file.35 (d) All address corrections, cancellations, and inactive
36 transactions made to the voter registration file pursuant to this
37 section shall be reflected on the voter index as required by Section
38 2191.39 *SEC. 3.* Section 2227 of the Elections Code is amended to read:

1 2227. (a) In lieu of mailing a residency confirmation postcard,
2 as prescribed in subdivision (a) of Section 2220, the county
3 elections official may contract with a consumer credit reporting
4 agency or its licensees to obtain use of change-of-address data in
5 accordance with this section.

6 (b) If the county elections official contracts with a consumer
7 credit reporting agency or its licensees pursuant to subdivision (a),
8 all of the following shall occur:

9 (1) For each registered voter in the county, the county elections
10 official shall initiate a search for change-of-address data with the
11 consumer credit reporting agency or its licensees by providing the
12 name and residence address of each registered voter in the county
13 to the consumer credit reporting agency or its licensees.

14 (2) The consumer credit reporting agency or its licensees shall
15 search their databases for each name and address provided by the
16 county elections official and shall report to the county elections
17 official any information indicating that the registered voter changed
18 his or her residence address.

19 (c) (1) Notwithstanding Section 2194 of this code or Section
20 6254.4 of the Government Code, and except as provided in
21 paragraph (2), a county elections official may disclose a registered
22 voter's name and residence address to a consumer credit reporting
23 agency or its licensees pursuant to, and in accordance with, this
24 section.

25 (2) A county elections official shall not disclose to a consumer
26 credit reporting agency or its licensees the name and residence
27 address of a registered voter if that information is deemed
28 confidential pursuant to Section 2166, 2166.5, or 2166.7 of this
29 code, or Chapter 3.1 (commencing with Section 6205) of Division
30 7 of Title 1 of the Government Code.

31 (d) A consumer credit reporting agency or its licensees shall
32 use the information provided by a county elections official only
33 pursuant to paragraph (2) of subdivision (b), and shall not retain
34 any information received from the county elections official
35 pursuant to this section.

36 (e) Based on change-of-address data received from a consumer
37 credit reporting agency or its licensees, the county elections official
38 shall send a forwardable notice, including a postage-paid and
39 preaddressed return form, which may be in the form of a postcard,
40 to the registered voter to enable the voter to verify or correct

1 address information. The forwardable notice shall be in
2 substantially the following form:

3
4 “We have received notification that you have moved to a new
5 residence address in ____ County. You will remain registered to
6 vote at your old address unless you notify our office that the
7 address to which this card was mailed is a change of your
8 permanent residence. Please notify our office in writing by
9 returning the attached postage-paid postcard. If this is not a
10 permanent residence, and you do not wish to change your address
11 for voting purposes, please disregard this notice.”
12

13 (f) The county elections official shall take all of the following
14 actions as appropriate:

15 (1) If a voter responds to the forwardable notice sent pursuant
16 to subdivision (e) or otherwise verifies in a signed writing that he
17 or she has moved to a new residence address within the same
18 county, the county elections official shall verify the signature on
19 the response by comparing it to the signature on file for the voter
20 and, if appropriate, correct the voter’s registration with the new
21 residence address.

22 (2) If a voter responds to the forwardable notice sent pursuant
23 to subdivision (e) or otherwise verifies in a signed writing that he
24 or she has moved to a new residence address in another county,
25 the county elections official shall verify the signature on the
26 response by comparing it to the signature on file for the voter and,
27 if appropriate, cancel the voter’s registration in the county from
28 which the voter has moved.

29 ~~(3) If a voter does not respond to the forwardable notice sent~~
30 ~~pursuant to subdivision (e) and does not otherwise verify in a~~
31 ~~signed writing that he or she has moved to a new residence address,~~
32 ~~the elections official shall not place the voter’s name on the inactive~~
33 ~~file of registered voters or cancel the voter registration.~~

34 (3) *If a voter does not respond to the forwardable notice sent*
35 *pursuant to subdivision (e), does not otherwise verify in a signed*
36 *writing that he or she has moved to a new residence address, and*
37 *does not offer to vote or vote at any election between the date of*
38 *the forwardable notice and two federal general elections after the*
39 *date of the forwardable notice, the voter registration of the voter*
40 *shall be canceled.*

1 (g) For purposes of this section, “consumer credit reporting
2 agency” has the same meaning as set forth in subdivision (d) of
3 Section 1785.3 of the Civil Code.

4 *SEC. 4. If the Commission on State Mandates determines that*
5 *this act contains costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code.*

O